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July 12, 2011

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**MEMO ENDORSED**  
**VIA HAND DELIVERY**

The Honorable Colleen McMahon  
United States District Judge for the Southern  
District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 14C  
New York, NY 10007-1312

*This cannot be made as  
a motion for reconsideration  
because the time for "reconsideration"  
has passed. You have to make  
a new 12(c) motion -*

Re: Securities and Exchange Commission v. John Michael Kelly, et al. (No. 1:08-cv-04612  
(CM))

Dear Judge McMahon:

We represent Defendant Mark Wovsaniker in the above-referenced action. On behalf of Mr. Wovsaniker, I am enclosing courtesy hard and electronic copies of the following documents that were served on counsel of record via the Court's ECF System on Monday, July 11, 2011, in the above-referenced matter: (1) Defendant Mark Wovsaniker's Notice of Motion for Judgment on the Pleadings as to Counts I and II of the Complaint Based on the Supreme Court's June 13, 2011 Janus Decision, or Alternatively for Reconsideration in Part of this Court's Decision and Order Dated January 7, 2011; (2) his Memorandum of Law in Support of his Motion; (3) the appendix to his Memorandum of Law; (4) a proposed order granting Mr. Wovsaniker's Motion; and (5) the Certificate of Service with respect to his Motion.

Additionally, according to Your Honor's Individual Practices, Defendant Mark Wovsaniker requests oral argument with respect to his Motion for Judgment on the Pleadings as to Counts I and II of the Complaint Based on the Supreme Court's June 13, 2011 Janus Decision, or Alternatively for Reconsideration in Part of this Court's Decision and Order Dated January 7, 2011.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/13/11

Respectfully submitted,

*Erin Koepfel*  
Erin Ardale Koepfel

Enclosures

cc: Counsel of Record (via electronic mail) (w/o enclosures)

DC-9225435 v1

*not a motion for  
reargument*

*Colleen McMahon*  
7/13/11

*city  
46  
new  
car.*

*I will  
dean*

*then -  
Rule 12(c)/  
56 motion -*